



Reprinted
January 31, 2006

HOUSE BILL No. 1312

DIGEST OF HB 1312 (Updated January 30, 2006 10:15 pm - DI 109)

Citations Affected: IC 20-12; IC 20-18; IC 20-19; IC 20-26; IC 20-27; IC 20-28; IC 20-33; IC 21-2; IC 34-30; IC 36-1; noncode.

Synopsis: Various education matters. Allows the use of school-owned buses for nonprofit organizations under certain conditions. Allows school corporations to independently contract for school nurses and other certified or licensed personnel to provide student services and health services. Removes the requirement that a school nurse must have a bachelor's degree in nursing. Makes statutes governing nonrenewal of contracts applicable to assistant superintendents, principals, assistant principals, and directors of special education consistent with statutes governing the nonrenewal of a superintendent's contract. Increases the cost of public works projects subject to the bidding process. Allows payment of skilled maintenance personnel salaries and fringe benefits from the capital projects fund for certain school corporations. Allows up to one year or the school corporation's next budget year for school corporations to abate school building inspection violations. Removes the requirement for state and local attendance officers. Extends eligibility for the twenty-first century scholars program to students in grade 7. Repeals superseded compulsory school attendance provisions. Provides that a nonpermanent teacher must be notified by June 1 that the school corporation's governing body will consider the nonrenewal of the
(Continued next page)

Effective: July 1, 2006.

Behning

January 10, 2006, read first time and referred to Committee on Education.
January 26, 2006, amended, reported — Do Pass.
January 30, 2006, read second time, amended, ordered engrossed.

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teacher's contract. (The notification deadline under current law is May 1.) Provides that an initial school superintendent contract must be for a term of at least 36 months. Allows subsequent contracts to be of any duration. Allows school corporations to declare themselves deregulated and waive certain statutes and rules. Provides that a teacher must be notified on or after May 1 that the salary schedule may be changed by the school corporation. (The notification deadline under current law is May 1.) Allows a school corporation to implement a breakfast program at a school building if at least 15% (rather than 25%) of the students enrolled at that school building during the prior school year qualified for free or reduced price lunches under federal guidelines.

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January 31, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1312

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-12-70-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this
3 chapter, "eligible student" means a student who meets the following
4 requirements:

5 (1) Is a resident of Indiana.

6 (2) Is enrolled in:

7 (A) for the 2006-2007 school year, in grade 7 or 8; and

8 (B) for the 2007-2008 school year and each subsequent
9 school year, ~~grade 8~~ grade 7;

10 at a public or an accredited nonpublic school.

11 (3) Is eligible for free or reduced priced lunches under the
12 national school lunch program.

13 (4) Agrees in writing, together with the student's custodial parents
14 or guardian, that the student will:

15 (A) graduate from a secondary school located in Indiana that
16 meets the admission criteria of an institution of higher
17 learning;

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(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) when the eligible student is a senior in high school, timely apply:

(i) to an institution of higher learning for admission; and

(ii) for any federal and state student financial assistance available to the eligible student to attend an institution of higher learning; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

SECTION 2. IC 20-18-2-22, AS ADDED BY P.L.246-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing.

(b) For purposes of IC 20-28, the term includes the following:

(1) A superintendent.

(2) A supervisor.

(3) A principal.

~~(4) An attendance officer.~~

~~(5) (4) A teacher.~~

~~(6) (5) A librarian.~~

SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) **The state board shall analyze annually state, local, and other:**

(1) statutes;

(2) rules;

(3) policies; and

(4) related requirements;

that affect school corporations and public schools to identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement

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1 innovative approaches to improving student achievement.

2 (b) In conducting the analysis required under subsection (a), the
3 state board may retain the assistance the state board considers
4 necessary, including the assistance of the following:

5 (1) The office of management and budget.

6 (2) A government efficiency commission that addresses
7 schools.

8 (3) Consultants.

9 (c) Following the annual identification of statutes, rules, policies,
10 and related requirements under subsection (a), the state board may
11 take one (1) or more of the following actions:

12 (1) Repeal the rules, policies, or requirements that are within
13 the authority of the state board. A repeal under this
14 subdivision may be undertaken:

15 (A) at any time;

16 (B) following public comment; and

17 (C) by emergency rule.

18 (2) Recommend to the general assembly the repeal of statutes.

19 The recommendations under this subdivision must be made:

20 (A) annually not later than September 1; and

21 (B) to the executive director of the legislative services
22 agency in an electronic format under IC 5-14-6.

23 (3) Report to the governor, the general assembly, and the state
24 superintendent concerning the statutes, rules, policies, and
25 requirements that are not within the authority of the state
26 board or general assembly. A report under this subdivision:

27 (A) may be made at any time; and

28 (B) when made to the general assembly, must be made to
29 the executive director of the legislative services agency in
30 an electronic format under IC 5-14-6.

31 SECTION 4. IC 20-26-9-2, AS ADDED BY P.L.1-2005, SECTION
32 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
33 2006]: Sec. 2. (a) **This subsection applies before July 1, 2007.** As
34 used in this chapter, "qualifying school building" refers to a public
35 school building in which:

36 (1) at least twenty-five percent (25%) of the students who were
37 enrolled at that school building during the prior school year
38 qualified for free or reduced price lunches under guidelines
39 established under 42 U.S.C. 1758(b); and

40 (2) lunches are served to students.

41 (b) **This subsection applies after June 30, 2007. As used in this**
42 **chapter, "qualifying school building" refers to a public school**

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building in which:

- (1) at least fifteen percent (15%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and
- (2) lunches are served to students.

SECTION 5. IC 20-26-13-11, AS ADDED BY P.L.242-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A student who has left school is not included in clauses (A) through (J) of STEP FIVE of the formula established in section 10 of this chapter unless the school corporation can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through (J) of STEP FIVE of section 10 of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may submit the student's information, including last known address, parent or guardian name, student testing number, and other pertinent data to the state attendance ~~officer~~ **official**. The state attendance ~~officer~~ **official**, using all available state data and any other means available, shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately send student records to the new school or otherwise document the student's status.

(b) If a school corporation cannot provide written proof that a student should be included in clauses (A) through (J) of STEP FIVE of section 10 of this chapter, the student is considered a dropout.

SECTION 6. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Deregulated School Corporations

Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:

- (1) allocate resources toward; and**
 - (2) focus efforts on;**
- student instruction and learning.**

Sec. 2. (a) To designate a school corporation as a deregulated

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school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:

- (1) be in writing;
- (2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and
- (3) inform the state board that the school corporation will become a deregulated school corporation on the July 1 next following the date of the notice.

(b) A notice under this section is effective upon receipt by the state board.

Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.

Sec. 4. The following apply to a deregulated school corporation:

(1) Except as specifically provided in this chapter, the following do not apply to a deregulated school corporation:

- (A) An Indiana statute applicable to a governing body or school corporation.
- (B) A rule or guideline adopted by the state board.
- (C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- (D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.

(2) The school corporation and schools within the school corporation must continue to comply with the following:

- (A) Applicable federal laws.
- (B) The Constitution of the State of Indiana.
- (C) Federal and state laws that prohibit discrimination.
- (D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.
- (E) The following statutes:

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- (i) IC 5-11-1-9 (required audits by the state board of accounts).
- (ii) IC 20-26-5-6 (subject to regulation by state agencies).
- (iii) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
- (iv) IC 20-26-6-2 (unified accounting system).
- (v) IC 20-26-9 (school breakfast and lunch program).
- (vi) IC 20-28-4 (transition to teaching).
- (vii) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).
- (viii) IC 20-29 (collective bargaining).
- (ix) IC 20-30-2 (calendar)
- (x) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances.)
- (xi) IC 20-30-5-0.5 (concerning the pledge of allegiance).
- (xii) IC 20-30-5-10 (college preparation curriculum).
- (xiii) IC 20-30-11 (postsecondary enrollment program).
- (xiv) IC 20-31 (accountability for school performance and improvement).
- (xv) IC 20-32 (student standards, assessment, and performance).
- (xvi) IC 20-33-2 (compulsory school attendance).
- (xvii) IC 20-33-3 (limitations on employment of children).
- (xviii) IC 20-33-7 (parental access to education records).
- (xix) IC 20-33-8 (student discipline).
- (xx) IC 20-33-9 (reporting of student violations of law).
- (xxi) IC 20-34-3 (health and safety measures).
- (xxii) IC 20-35 (special education).
- (xxiii) IC 21 (school finance).

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

- (1) Financial information.**
- (2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.**
- (3) A description of the educational methods and teaching methods employed.**
- (4) Daily attendance records.**



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(5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.

(6) Student enrollment data, including the following:

(A) The number of students enrolled in the school corporation and each school in the school corporation.

(B) The number of students suspended or expelled from schools in the school corporation, including the reasons for the suspensions or expulsions.

(C) The number of students who ceased to attend schools in the school corporation, including the reasons for the cessation.

(7) Any information necessary to comply with federal or state reporting requirements.

(8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. (a) Before becoming a deregulated school corporation under section 3 of this chapter, a governing body may waive any statutes, rules, or policies that the governing body may waive under section 4 of this chapter.

(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.

(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.

Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

(1) The school corporation fails to comply with applicable laws or conditions established under this chapter.

(2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.

(3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 8. Not later than December 31, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated

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1 **school corporation. A report to the general assembly must be made**
 2 **to the executive director of the legislative services agency in an**
 3 **electronic format under IC 5-14-6.**

4 SECTION 7. IC 20-27-9-6, AS ADDED BY P.L.1-2005, SECTION
 5 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 6 2006]: Sec. 6. (a) In addition to the exemptions granted in this chapter
 7 and notwithstanding section 16 of this chapter, a school corporation
 8 may allow a school bus operated under a fleet or transportation contract
 9 and not owned in whole or in part by a public agency to be used for the
 10 transportation of a group or an organization for any distance, if that
 11 group or organization agrees to maintain the condition of the school
 12 bus and to maintain order on the school bus while in use.

13 (b) When authorizing transportation described in subsection (a), the
 14 school corporation shall require the owner of the school bus to:

- 15 (1) obtain written authorization of the superintendent of the
- 16 contracting school corporation;
- 17 (2) clearly identify the school bus with the name of the sponsoring
- 18 group; and
- 19 (3) provide proof to the superintendent and the sponsoring group
- 20 of financial responsibility, as required by IC 9-25 and
- 21 IC 20-27-5-9 for the transportation.

22 (c) The governing body of a school corporation may allow, by
 23 written authorization, the use of a school bus owned in whole or in part
 24 by the school corporation for the transportation needs of:

- 25 (1) a fair or festival operated by or affiliated with a nonprofit
- 26 organization exempt from federal taxation under Section
- 27 501(c)(3) through 501(c)(7) of the Internal Revenue Code; or
- 28 **(2) any nonprofit organization exempt from federal taxation**
- 29 **under Section 501 (c)(3) through 501(c)(7) of the Internal**
- 30 **Revenue Code.**

31 **(d) When authorizing transportation described in subsection (c),**
 32 **the school corporation may only charge the organization for fuel.**

33 SECTION 8. IC 20-28-6-2, AS ADDED BY P.L.1-2005, SECTION
 34 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 35 2006]: Sec. 2. (a) A contract entered into by a teacher and a school
 36 corporation must:

- 37 (1) be in writing;
- 38 (2) be signed by both parties; and
- 39 (3) contain the:
 - 40 (A) beginning date of the school term as determined annually
 - 41 by the school corporation;
 - 42 (B) number of days in the school term as determined annually

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by the school corporation;

(C) total salary to be paid to the teacher during the school year;
and

(D) number of salary payments to be made to the teacher
during the school year.

(b) The contract may provide for the annual determination of the teacher's annual compensation by a local salary schedule, which is part of the contract. The salary schedule may be changed by the school corporation on or ~~before~~ **after** May 1 of a year, with the changes effective the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed schedule not later than thirty (30) days after the schedule's adoption.

(c) A contract under this section is also governed by the following statutes:

(1) IC 20-28-9-1 through IC 20-28-9-6.

(2) IC 20-28-9-9 through IC 20-28-9-11.

(3) IC 20-28-9-13.

(4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).

SECTION 9. IC 20-28-7-9, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. Before a teacher is refused continuation of the contract under section 8 of this chapter, the teacher has the following rights, which shall be strictly construed:

(1) The principal of the school at which the teacher teaches must provide the teacher with an annual written evaluation of the teacher's performance before January 1 of each year. Upon the request of a nonpermanent teacher, delivered in writing to the principal not later than thirty (30) days after the teacher receives the evaluation required by this section, the principal shall provide the teacher with an additional written evaluation.

(2) On or before ~~May 1~~, **June 1**, the school corporation shall notify the teacher that the governing body will consider nonrenewal of the contract for the next school term. The notification must be:

(A) written; and

(B) delivered in person or mailed by registered or certified

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mail to the teacher at the teacher's last known address.

(3) Upon the request of the teacher, and not later than fifteen (15) days after the teacher's receipt of the notice of the consideration of contract nonrenewal, the governing body or the superintendent of the school corporation shall provide the teacher with a written statement, which:

(A) may be developed in an executive session; and

(B) is not a public document;

giving the reasons for the nonrenewal of the teacher's contract.

SECTION 10. IC 20-28-8-3, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Before February 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an employee at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body. An assistant superintendent, a principal, or an assistant principal's contract terminates only on the following dates and under the following conditions:

(1) On any date, if the governing body and the assistant superintendent, principal, or assistant principal mutually consent.

(2) Before the expiration date set forth in the contract, if the governing body terminates the contract for cause under a statute that sets forth causes for dismissal of teachers. However, the governing body must give the assistant superintendent, principal, or assistant principal proper notice and, if the assistant superintendent, principal, or assistant principal requests a hearing at least ten (10) days before the termination, must grant the assistant superintendent, principal, or assistant principal a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the assistant

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superintendent, principal, or assistant principal in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the assistant superintendent, principal, or assistant principal not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.

(b) If the governing body fails to give a termination notice under subsection (a), the assistant superintendent, principal, or assistant principal's contract is extended for twelve (12) months following the expiration date of the contract.

SECTION 11. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) The basic contract must be in the form of the regular teacher's contract.

(2) The **initial** contract must be for a term of at least thirty-six (36) months. **However, a subsequent contract may be for a term of any duration.**

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.

(4) The rights of a superintendent as a teacher under any other law are not affected by the contract.

SECTION 12. IC 20-28-8-11, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) ~~Before February 1 of the year during which the contract of a local director is due to expire; the managing body; or an employee at the direction of the managing body; shall give written notice of renewal or refusal to renew the local director's contract for the ensuing school year.~~

(b) If notice is not given before February 1 of the year during which the contract is due to expire; the contract then in force is reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the local director and the managing body. **A local director's contract terminates only on the following dates and under the following conditions:**

(1) On any date, if the governing body and the local director mutually consent.

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(2) Before the expiration date set forth in the contract, if the governing body terminates the contract for cause under a statute that sets forth causes for dismissal of teachers. However, the governing body must give the local director proper notice and, if the local director requests a hearing at least ten (10) days before the termination, must grant the local director a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the local director in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the local director not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.

(b) If the governing body fails to give a termination notice under subsection (a), the local director's contract is extended for twelve (12) months following the expiration date of the contract.

SECTION 13. IC 20-33-2-18, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If a parent of a student does not send the student to school because of the student's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the illness or incapacity for an attendance officer a school administrator or the school administrator's designee not later than six (6) days after the certificate is demanded.

(b) The certificate required under this section must be signed by:

- (1) an Indiana physician;
- (2) an individual holding a license to practice osteopathy or chiropractic in Indiana; or
- (3) a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.

SECTION 14. IC 20-33-2-20, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

- (1) attendance officers;
- (2) (1) school officials; and

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1 ~~(2)~~ (2) agents of the department of labor; and

2 (3) agents of the department of education.

3 Every teacher shall answer fully all lawful inquiries made by an
4 ~~attendance officer~~, a school official, **an agent of the department of**
5 **education**, or an agent of the department of labor.

6 (c) In a nonpublic school, the record shall be required to be kept
7 solely to verify the enrollment and attendance of a student upon request
8 of the:

9 (1) state superintendent; or

10 (2) superintendent of the school corporation in which the
11 nonpublic school is located.

12 SECTION 15. IC 20-33-2-23, AS ADDED BY P.L.1-2005,
13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2006]: Sec. 23. (a) Each school ~~attendance officer~~,
15 **administrator (or the administrator's designee)**, sheriff, marshal,
16 and police officer in Indiana may take into custody any child who:

17 (1) is required to attend school under this chapter; and

18 (2) is found during school hours, unless accompanied:

19 (A) by a parent; or

20 (B) with the consent of a parent, by a relative by blood or
21 marriage who is at least eighteen (18) years of age;

22 in a public place, in a public or private conveyance, or in a place
23 of business open to the public.

24 (b) When an officer **or administrator (or administrator's**
25 **designee)** takes a child into custody under this section, the officer **or**
26 **administrator (or administrator's designee)** shall immediately
27 deliver the child to the principal of the public or nonpublic school in
28 which the child is enrolled. If a child is not enrolled in any school, then
29 the officer **or administrator (or administrator's designee)** shall
30 deliver the child into the custody of the principal of the public school
31 in the attendance area in which the child resides. If a child is taken to
32 the appropriate school and the principal is unavailable, the acting chief
33 administrative officer of the school shall take custody of the child.

34 (c) The powers conferred under this section may be exercised
35 without warrant and without subsequent legal proceedings.

36 SECTION 16. IC 20-33-2-25, AS ADDED BY P.L.1-2005,
37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2006]: Sec. 25. The superintendent or ~~an attendance officer~~ **a**
39 **school administrator (or the school administrator's designee)**
40 having jurisdiction may report a child who is habitually absent from
41 school in violation of this chapter to an intake officer of the juvenile
42 court. The intake officer shall proceed in accord with IC 31-30 through

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1 IC 31-40.

2 SECTION 17. IC 20-33-2-26, AS ADDED BY P.L.1-2005,
3 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2006]: Sec. 26. (a) It is the duty of each:

5 (1) superintendent;

6 ~~(2) attendance officer;~~ and

7 ~~(3) state attendance official;~~

8 **(2) school administrator (or school administrator's designee);**

9 to enforce this chapter in their respective jurisdictions and to execute
10 the affidavits authorized under this section. The duty is several, and the
11 failure of one (1) or more to act does not excuse another official from
12 the obligation to enforce this chapter.

13 (b) An affidavit against a parent for a violation of this chapter shall
14 be prepared and filed in the same manner and under the procedure
15 prescribed for filing affidavits for the prosecution of public offenses.

16 (c) An affidavit under this section shall be filed in the circuit court
17 of the county in which the affected child resides. The prosecuting
18 attorney shall file and prosecute actions under this section as in other
19 criminal cases. The court shall promptly hear cases brought under this
20 section.

21 SECTION 18. IC 20-33-2-47, AS ADDED BY P.L.1-2005,
22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2006]: Sec. 47. (a) A school corporation may develop and
24 implement a system of notifying the parent of a student when:

25 (1) the student fails to attend school; and

26 (2) the student does not have an excused absence for that day.

27 (b) A school corporation or an accredited nonpublic school shall
28 report to the local health department **and the department of education**
29 the percentage of student absences above a threshold determined by the
30 department by rule adopted under IC 4-22-2.

31 (c) If a school corporation implements a notification system under
32 this chapter, the ~~attendance officer or the attendance officer's designee~~
33 **school administrator (or the school administrator's designee)** shall
34 make a reasonable effort to contact by telephone the parent of each
35 student who has failed to attend school and does not have an excused
36 absence for that day.

37 (d) If an ~~attendance officer or an attendance officer's designee~~ a
38 **school administrator (or the school administrator's designee)** has
39 made a reasonable effort to contact a parent under subsection (c), the
40 school corporation is immune from liability for any damages suffered
41 by the parent claimed because of failure to contact the parent.

42 SECTION 19. IC 21-2-15-4, AS AMENDED BY P.L.246-2005,

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SECTION 189, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this subsection,
 "calendar year distribution" means the sum of:

(1) all distributions to a school corporation under:

(A) IC 6-1.1-19-1.5;

(B) IC 21-1-30;

(C) IC 21-3-1.7;

(D) IC 21-3-2.1; and

(E) IC 21-3-12;

for the calendar year; plus

(2) the school corporation's excise tax revenue (as defined in
 IC 21-3-1.7-2) for the immediately preceding calendar year.

(b) A school corporation may establish a capital projects fund.

(c) With respect to any facility used or to be used by the school
 corporation (other than a facility used or to be used primarily for
 interscholastic or extracurricular activities, except as provided in
 subsection (j)), the fund may be used to pay for the following:

(1) Planned construction, repair, replacement, or remodeling.

(2) Site acquisition.

(3) Site development.

(4) Repair, replacement, or site acquisition that is necessitated by
 an emergency.

(d) The fund may be used to pay for the purchase, lease, repair, or
 maintenance of equipment to be used by the school corporation (other
 than vehicles to be used for any purpose and equipment to be used
 primarily for interscholastic or extracurricular activities, except as
 provided in subsection (j)).

(e) The fund may be used for any of the following purposes:

(1) To purchase, lease, upgrade, maintain, or repair one (1) or
 more of the following:

(A) Computer hardware.

(B) Computer software.

(C) Wiring and computer networks.

(D) Communication access systems used to connect with
 computer networks or electronic gateways.

(2) To pay for the services of full-time or part-time computer
 maintenance employees.

(3) To conduct nonrecurring inservice technology training of
 school employees.

(4) To fund the payment of advances, together with interest on the
 advances, from the common school fund for educational
 technology programs under IC 21-1-5.

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(5) To fund the acquisition of any equipment or services necessary:

(A) to implement the technology preparation curriculum under IC 20-30-12;

(B) to participate in a program to provide educational technologies, including computers, in the homes of students (commonly referred to as "the buddy system project") under IC 20-20-13-6, the 4R's technology program under IC 20-20-15-4, or any other program under the educational technology program described in IC 20-20-13; or

(C) to obtain any combination of equipment or services described in clauses (A) and (B).

(f) The fund may be used to purchase:

(1) building sites;

(2) buildings in need of renovation;

(3) building materials; and

(4) equipment;

for the use of vocational building trades classes to construct new buildings and to remodel existing buildings.

(g) The fund may be used for leasing or renting of existing real estate, excluding payments authorized under IC 21-5-11 and IC 21-5-12.

(h) The fund may be used to pay for services of the school corporation employees that are bricklayers, stone masons, cement masons, tile setters, glaziers, insulation workers, asbestos removers, painters, paperhangers, drywall applicators and tapers, plasterers, pipe fitters, roofers, structural and steel workers, metal building assemblers, heating and air conditioning installers, welders, carpenters, electricians, or plumbers, as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

(1) the employees perform construction of, renovation of, remodeling of, repair of, or maintenance on the facilities and equipment specified in subsections (b) and (c);

(2) the school corporation's total annual salary and benefits paid by the school corporation to employees described in this subsection are at least six hundred thousand dollars (\$600,000); and

(3) the payment of the employees described in this subsection is included as part of the proposed capital projects fund plan described in section 5(a) of this chapter.

However, the number of employees that are covered by this subsection

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is limited to the number of employee positions described in this subsection that existed on January 1, ~~1993~~ **2006**. For purposes of this subsection, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.

(i) The fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

(j) Money from the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

(k) Money from the fund may be used to carry out a plan developed under IC 16-41-37.5.

(l) This subsection applies during the period beginning January 1, 2006, and ending December 31, 2007. Money from the fund may be used to pay for up to one hundred percent (100%) of the following costs of a school corporation:

(1) Utility services.

(2) Property or casualty insurance.

(3) Both utility services and property or casualty insurance.

A school corporation's expenditures under this subsection may not exceed in 2006 two and seventy-five hundredths percent (2.75%) and in 2007 three and five-tenths percent (3.5%) of the school corporation's 2005 calendar year distribution.

SECTION 20. IC 34-30-2-85.2, AS AMENDED BY P.L.1-2005, SECTION 221, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 85.2. IC 20-33-2-47(d) (Concerning ~~attendance officer or officer's designee~~ **a school administrator or the school administrator's designee** for failure to contact a parent or guardian regarding a student's absences).

SECTION 21. IC 36-1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section applies whenever the cost of a public work project will be:

(1) at least ~~seventy-five thousand dollars (\$75,000)~~ **one hundred thousand dollars (\$100,000)** in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26;

(2) at least ~~fifty thousand dollars (\$50,000)~~ **seventy-five**

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1 **thousand dollars (\$75,000) in:**

2 (A) a third class city or town with a population of more than
3 five thousand (5,000); or

4 (B) a county containing a third class city or town with a
5 population of more than five thousand (5,000); or

6 (3) at least ~~twenty-five thousand dollars (\$25,000)~~ **fifty thousand**
7 **dollars (\$50,000)** in a political subdivision or an agency not
8 described in subdivision (1) or (2).

9 (b) The board must comply with the following procedure:

10 (1) The board shall prepare general plans and specifications
11 describing the kind of public work required, but shall avoid
12 specifications which might unduly limit competition. If the
13 project involves the resurfacing (as defined by IC 8-14-2-1) of a
14 road, street, or bridge, the specifications must show how the
15 weight or volume of the materials will be accurately measured
16 and verified.

17 (2) The board shall file the plans and specifications in a place
18 reasonably accessible to the public, which shall be specified in the
19 notice required by subdivision (3).

20 (3) Upon the filing of the plans and specifications, the board shall
21 publish notice in accordance with IC 5-3-1 calling for sealed
22 proposals for the public work needed.

23 (4) The notice must specify the place where the plans and
24 specifications are on file and the date fixed for receiving bids.

25 (5) The period of time between the date of the first publication
26 and the date of receiving bids shall be governed by the size of the
27 contemplated project in the discretion of the board, but it may not
28 be more than six (6) weeks.

29 (6) If the cost of a project is one hundred thousand dollars
30 (\$100,000) or more, the board shall require the bidder to submit
31 a financial statement, a statement of experience, a proposed plan
32 or plans for performing the public work, and the equipment that
33 the bidder has available for the performance of the public work.
34 The statement shall be submitted on forms prescribed by the state
35 board of accounts.

36 (7) The board may not require a bidder to submit a bid before the
37 meeting at which bids are to be received. The meeting for
38 receiving bids must be open to the public. All bids received shall
39 be opened publicly and read aloud at the time and place
40 designated and not before.

41 (8) Except as provided in subsection (c), the board shall:

42 (A) award the contract for public work or improvements to the

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- 1 lowest responsible and responsive bidder; or
- 2 (B) reject all bids submitted.
- 3 (9) If the board awards the contract to a bidder other than the
- 4 lowest bidder, the board must state in the minutes or memoranda,
- 5 at the time the award is made, the factors used to determine which
- 6 bidder is the lowest responsible and responsive bidder and to
- 7 justify the award. The board shall keep a copy of the minutes or
- 8 memoranda available for public inspection.
- 9 (10) In determining whether a bidder is responsive, the board may
- 10 consider the following factors:
- 11 (A) Whether the bidder has submitted a bid or quote that
- 12 conforms in all material respects to the specifications.
- 13 (B) Whether the bidder has submitted a bid that complies
- 14 specifically with the invitation to bid and the instructions to
- 15 bidders.
- 16 (C) Whether the bidder has complied with all applicable
- 17 statutes, ordinances, resolutions, or rules pertaining to the
- 18 award of a public contract.
- 19 (11) In determining whether a bidder is a responsible bidder, the
- 20 board may consider the following factors:
- 21 (A) The ability and capacity of the bidder to perform the work.
- 22 (B) The integrity, character, and reputation of the bidder.
- 23 (C) The competence and experience of the bidder.
- 24 (12) The board shall require the bidder to submit an affidavit:
- 25 (A) that the bidder has not entered into a combination or
- 26 agreement:
- 27 (i) relative to the price to be bid by a person;
- 28 (ii) to prevent a person from bidding; or
- 29 (iii) to induce a person to refrain from bidding; and
- 30 (B) that the bidder's bid is made without reference to any other
- 31 bid.
- 32 (c) Notwithstanding subsection (b)(8), a county may award sand,
- 33 gravel, asphalt paving materials, or crushed stone contracts to more
- 34 than one (1) responsible and responsive bidder if the specifications
- 35 allow for bids to be based upon service to specific geographic areas and
- 36 the contracts are awarded by geographic area. The geographic areas do
- 37 not need to be described in the specifications.
- 38 SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 39 JULY 1, 2006]: IC 20-33-2-31; IC 20-33-2-32; IC 20-33-2-33;
- 40 IC 20-33-2-34; IC 20-33-2-35; IC 20-33-2-36; IC 20-33-2-37;
- 41 IC 20-33-2-38; IC 20-33-2-39; IC 20-33-2-40; IC 20-33-2-41;
- 42 IC 20-33-2-42; IC 20-33-2-43.

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1 SECTION 23. [EFFECTIVE JULY 1, 2006] (a) As used in this
 2 SECTION, "state board" refers to the Indiana state board of
 3 education established by IC 20-19-2-2.

4 (b) The state board shall adopt rules to amend the personnel
 5 and health services rules adopted by the state board and codified
 6 at 511 IAC 4-1.5. The state board shall adopt rules required by this
 7 subsection in the same manner as emergency rules are adopted
 8 under IC 4-22-2-37.1. The rules adopted by the state board under
 9 this subsection must allow a school corporation to enter into an
 10 independent contract with an individual who holds at least:

11 (1) an associate degree in nursing; and

12 (2) a registered nurse license issued under IC 25-23;
 13 to provide student services or health services. The rules adopted
 14 under this subsection expire on the date the rules are adopted by
 15 the state board under IC 4-22-2, or January 1, 2007, whichever is
 16 earlier.

17 SECTION 24. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding
 18 any other law, if, as a result of an inspection of a school building
 19 under IC 22-14-2-11, the state fire marshal, or the fire marshal's
 20 designee, determines that there is a safety violation, a school
 21 corporation may be allowed a reasonable time for the abatement
 22 of the violation up to a year following the determination or the
 23 school corporation's next budget year, whichever is earlier.

24 (b) The expense of the abatement may be paid out of funds
 25 appropriated for such purposes within the next budget year
 26 following a violation determination described under subsection (a).

27 SECTION 25. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "6, 7," and insert "7".

Page 1, line 9, delete "6;" and insert "7;".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The state board shall analyze annually state, local, and other:**

- (1) statutes;
- (2) rules;
- (3) policies; and
- (4) related requirements;

that affect school corporations and public schools to identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement innovative approaches to improving student achievement.

(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:

- (1) The office of management and budget.
- (2) A government efficiency commission that addresses schools.
- (3) Consultants.

(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:

- (1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:

- (A) at any time;
- (B) following public comment; and
- (C) by emergency rule.

- (2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must be made:

- (A) annually not later than September 1; and
- (B) to the executive director of the legislative services

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agency in an electronic format under IC 5-14-6.

(3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:

(A) may be made at any time; and

(B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, between lines 10 and 11, begin a new paragraph and insert:
"SECTION 6. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Deregulated School Corporations

Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:

- (1) allocate resources toward; and
- (2) focus efforts on;

student instruction and learning.

Sec. 2. (a) To designate a school corporation as a deregulated school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:

- (1) be in writing;
- (2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and
- (3) inform the state board that the school corporation will become a deregulated school corporation on the July 1 next following the date of the notice.

(b) A notice under this section is effective upon receipt by the state board.

Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.

Sec. 4. The following apply to a deregulated school corporation:

- (1) Except as specifically provided in this chapter, the

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following do not apply to a deregulated school corporation:

- (A) An Indiana statute applicable to a governing body or school corporation.
- (B) A rule or guideline adopted by the state board.
- (C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- (D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.

(2) The school corporation and schools within the school corporation must continue to comply with the following:

- (A) Applicable federal laws.
- (B) The Constitution of the State of Indiana.
- (C) Federal and state laws that prohibit discrimination.
- (D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.
- (E) The following statutes:
 - (i) IC 5-11-1-9 (required audits by the state board of accounts).
 - (ii) IC 20-26-5-6 (subject to regulation by state agencies).
 - (iii) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
 - (iv) IC 20-26-6-2 (unified accounting system).
 - (v) IC 20-28-4 (transition to teaching).
 - (vi) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).
 - (vii) IC 20-29 (collective bargaining).
 - (viii) IC 20-30-2 (calendar)
 - (ix) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances.)
 - (x) IC 20-30-5-0.5 (concerning the pledge of allegiance).
 - (xi) IC 20-30-5-10 (college preparation curriculum).
 - (xii) IC 20-30-11 (postsecondary enrollment program).
 - (xiii) IC 20-31 (accountability for school performance and improvement).
 - (xiv) IC 20-32 (student standards, assessment, and

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performance).

(xv) IC 20-33-2 (compulsory school attendance).

(xvi) IC 20-33-3 (limitations on employment of children).

(xvii) IC 20-33-7 (parental access to education records).

(xviii) IC 20-33-8 (student discipline).

(xix) IC 20-33-9 (reporting of student violations of law).

(xx) IC 20-34-3 (health and safety measures).

(xxi) IC 20-35 (special education).

(xxii) IC 21 (school finance).

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

(1) Financial information.

(2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.

(3) A description of the educational methods and teaching methods employed.

(4) Daily attendance records.

(5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.

(6) Student enrollment data, including the following:

(A) The number of students enrolled in the school corporation and each school in the school corporation.

(B) The number of students suspended or expelled from schools in the school corporation, including the reasons for the suspensions or expulsions.

(C) The number of students who ceased to attend schools in the school corporation, including the reasons for the cessation.

(7) Any information necessary to comply with federal or state reporting requirements.

(8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. (a) Before becoming a deregulated school corporation under section 3 of this chapter, a governing body may waive any statutes, rules, or policies that the governing body may waive under section 4 of this chapter.

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(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.

(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.

Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

- (1) The school corporation fails to comply with applicable laws or conditions established under this chapter.
- (2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.
- (3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 8. Not later than December 31, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, line 40, delete "gasoline." and insert "fuel."

Page 3, between lines 40 and 41, begin a new paragraph and insert:
"SECTION 7. IC 20-28-6-2, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

- (1) be in writing;
- (2) be signed by both parties; and
- (3) contain the:
 - (A) beginning date of the school term as determined annually by the school corporation;
 - (B) number of days in the school term as determined annually by the school corporation;
 - (C) total salary to be paid to the teacher during the school year; and
 - (D) number of salary payments to be made to the teacher during the school year.
- (b) The contract may provide for the annual determination of the

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teacher's annual compensation by a local salary schedule, which is part of the contract. The salary schedule may be changed by the school corporation on or ~~before~~ **after** May 1 of a year, with the changes effective the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed schedule not later than thirty (30) days after the schedule's adoption.

(c) A contract under this section is also governed by the following statutes:

- (1) IC 20-28-9-1 through IC 20-28-9-6.
- (2) IC 20-28-9-9 through IC 20-28-9-11.
- (3) IC 20-28-9-13.
- (4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).

SECTION 5. IC 20-28-7-9, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. Before a teacher is refused continuation of the contract under section 8 of this chapter, the teacher has the following rights, which shall be strictly construed:

- (1) The principal of the school at which the teacher teaches must provide the teacher with an annual written evaluation of the teacher's performance before January 1 of each year. Upon the request of a nonpermanent teacher, delivered in writing to the principal not later than thirty (30) days after the teacher receives the evaluation required by this section, the principal shall provide the teacher with an additional written evaluation.
- (2) On or before ~~May 1~~, **June 1**, the school corporation shall notify the teacher that the governing body will consider nonrenewal of the contract for the next school term. The notification must be:
 - (A) written; and
 - (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.
- (3) Upon the request of the teacher, and not later than fifteen (15) days after the teacher's receipt of the notice of the consideration of contract nonrenewal, the governing body or the superintendent of the school corporation shall provide the teacher with a written statement, which:

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(A) may be developed in an executive session; and

(B) is not a public document;

giving the reasons for the nonrenewal of the teacher's contract."

Page 4, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 7. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) The basic contract must be in the form of the regular teacher's contract.

(2) The **initial** contract must be for a term of at least thirty-six (36) months. **However, a subsequent contract may be for a term of any duration.**

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.

(4) The rights of a superintendent as a teacher under any other law are not affected by the contract."

Page 10, reset in roman lines 8 through 10.

Page 10, line 12, reset in roman "(3)".

Page 10, line 12, delete "(2)".

Page 10, line 17, strike "1993." and insert "**2006.**".

Page 11, line 9, delete "fifty".

Page 11, line 9, delete "(\$150,000)" and insert "**(\$100,000)**".

Page 13, line 26, delete "or license".

Page 13, line 27, delete "certificate or".

Page 13, line 27, delete "by a professional" and insert "**under IC 25-23;**".

Page 13, delete line 28.

Page 13, line 29, delete "serves" and insert "**services**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1312 as introduced.)

BEHNING, Chair

Committee Vote: yeas 6, nays 5.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 19, line 33, delete "or" and insert "**and**".

Page 19, line 34, after "a" insert "**registered nurse**".

(Reference is to HB 1312 as printed January 27, 2006.)

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 5, between lines 29 and 30, begin a new line triple block indented and insert:

"(v) IC 20-26-9 (school breakfast and lunch program)."

Page 5, line 30, delete "(v)" and insert "**(vi)**".

Page 5, line 31, delete "(vi)" and insert "**(vii)**".

Page 5, line 34, delete "(vii)" and insert "**(viii)**".

Page 5, line 35, delete "(viii)" and insert "**(ix)**".

Page 5, line 36, delete "(ix)" and insert "**(x)**".

Page 5, line 38, delete "(x)" and insert "**(xi)**".

Page 5, line 39, delete "(xi)" and insert "**(xii)**".

Page 5, line 40, delete "(xii)" and insert "**(xiii)**".

Page 5, line 41, delete "(xiii)" and insert "**(xiv)**".

Page 6, line 1, delete "(xiv)" and insert "**(xv)**".

Page 6, line 3, delete "(xv)" and insert "**(xvi)**".

Page 6, line 4, delete "(xvi)" and insert "**(xvii)**".

Page 6, line 5, delete "(xvii)" and insert "**(xviii)**".

Page 6, line 6, delete "(xviii)" and insert "**(xix)**".

Page 6, line 7, delete "(xix)" and insert "**(xx)**".

Page 6, line 8, delete "(xx)" and insert "**(xxi)**".

Page 6, line 9, delete "(xxi)" and insert "**(xxii)**".

Page 6, line 10, delete "(xxii)" and insert "**(xxiii)**".

(Reference is to HB 1312 as printed January 27, 2006.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 4. IC 20-26-9-2, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **(a) This subsection applies before July 1, 2007.** As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least twenty-five percent (25%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and
- (2) lunches are served to students.

(b) This subsection applies after June 30, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least fifteen percent (15%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and**
- (2) lunches are served to students."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1312 as printed January 27, 2006.)

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